THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.5539 of 2006

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21st March 2006

Between:

Smt.T.Shiva Kameswari, W/o.late Sri T.Mohan Babu.

...PETITIONER

AND

1. Government Of Andhra Pradesh, rep.by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad.

And three others.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO. 5539 of 2006

ORDER:

It is the case of the petitioner that the petitioner's husband, namely late Sri T.Mohan Babu was an ex-serviceman and as per the policy of the Government to grant pattas to ex-servicemen, an extent of Acs.5.00 situated in Survey No.374/2 of Kapuluppada Village, Bheemunipatnam Mandal, Visakhapatnam District was granted in Patta Proceedings D.R.No.225/15/1402 dated 19.11.1992 by the then Mandal Revenue Officer, Bheemunipatnam Mandal subject to certain terms and conditions to be fulfilled. It is stated that after the grant of patta, the Government issued orders in G.O.Ms.No.1117 Revenue (Assignment-1) Department dated 11.11.1993 stating that subject to the fulfillment of the conditions it is permitted to sell the assigned land after lapse of ten years from granting such patta as per the provision under G.O.Ms.No.743 Revenue (B) Department dated 30.04.1963. It is stated that the petitioner fulfilled the conditions imposed in G.O.Ms.No.743 Revenue (B) Department dated 30.04.1963 and G.O.Ms.No.1117 Revenue (Assignment-1) Department dated 11.11.1993 for granting permission to sell the said land. The

petitioner filed a representation dated 06.03.2006 requesting for No Objection Certificate for sale of patta given to her husband as her husband died on 11.02.2003. But the same was rejected by the Joint Collector, Visakhapatnam on the ground that even though the assignee's name appears in 10 (1) Adangal (VANo-3) of Kapuluppada Village in Patta No.1170/1 covered by S.No.374/2 measuring Acs.5.00, it does not appear in the Darkhast Register (DR).

The learned counsel for the petitioner states that the name of the petitioner's husband Tirumalasetti Mohan Babu is also found in Darkhast Register (DR) at Sl.No.20 in respect of Acs.5.00 in D.R.No.225/15/1402 dated 19.11.1992.

I am not inclined to express any opinion with regard to the validity or the genuineness of the said Darkhat Register but having regard to the copy of the annexure of D.R.No.225/15/1402 dated 19.11.1992 at Sl.No.20 of page No.18 of the affidavit filed in support of the Writ Petition, it is just and proper to direct the Joint Collector, Visakhapatnam to reconsider the petitioner's representation and pass order in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition is disposed of. No costs.

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(V.ESWARAIAH, J)

21st March 2006

RRB